IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.722 OF 2005

Fakir Ahmed Husensaheb Mashal ... Applicant

versus

The State of Maharashtra ... Respondent

...

Mr. P.R. Arjunwadkar, for the Applicant.

Mr. D.R. More, A.P.P., for the State.

...

CORAM : A.M.KHANWILKAR,J.

8th February 2005

P.C.:

. Heard Counsel for the parties. Perused the record. It is seen that there is no evidence that the Applicant was wielding any weapon, much less lethal weapon, or, had assaulted the complainant with the help of that weapon. It is seen that no injury has been caused to the complainant. In the case of co-accused Mashal Sarfraj Daudsaheb and another, this Court in order dated 10th January 2005 has expressed that

having regard to the materials on record, applying section 307 of the Indian Penal Code to the case on hand becomes doubtful. As no specific role or overt act is ascribed to the Applicant, the Applicant is entitled for anticipatory bail on the following terms.

(a) The Applicant is granted anticipatory bail in connection with CR.No. 367/2004 registered with Jail Road Police Station, Solapur, on executing personal bond in the sum of Rs.15,000/- (Rupees Fifteen thousand only) with two local sureties in the like amount.

(b) The Applicant shall not influence the prosecution witnesses or tamper with the prosecution evidence in any manner whatsoever.

(c) The Applicant shall not enter the jurisdiction of the Jail Road Police Station, Solapur, till the investigation is complete, except for attending the concerned police station for the purpose

of investigation, if summoned. It will be open to the Applicant to apply for relaxation of this condition after filing of the charge sheet.

(d) The Applicant shall extend necessary co-operation for the purpose of investigation to the investigating officer as and when called upon.

(e) The Applicant shall extend necessary co-operation to the trial Court for early disposal of the trial. If the trial Court is of the opinion that the Applicant is for any reason responsible for the delay in disposal of the trial, that fact shall be recorded in the roznama, which can be a ground for cancellation of bail.

(f) The Applicant shall report to the nearest police station where he intends to reside once a week on Saturday between 10 a.m. to 2 p.m. till the filing of the charge sheet.

(g) The Applicant shall inform his place of residence to the investigating officer as well as the trial Court within one week from the date of his release.

. Application disposed of on the above terms.

. Parties to act on the authenticated copy of this order.

(A.M.KHANWILKAR,J.)